

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCUS L. WALKER,

Plaintiff,

Case No: 2:21-CV-12874

Hon. Denise Page Hood

Magistrate Judge Stafford, Elizabeth

v

DR. MARY GREINER, PHYSICIAN ASSISTANT  
ROSILYN JEAN JINDAL, REGISTERED NURSE  
MARY VELARDE, REGISTERED NURSE HENRY  
FRESNICK, HEALTH UNIT MANAGER JANET  
CAMPBELL, ACTING HEALTH UNITED MANAGER  
KIMBERLY KORTE, KAELYN PFEIL, CONNIE  
MCCOOL, DR. JEFFREY BOMBER, MDOC MEDICAL DIRECTOR,  
CONNIE WHIPPLE, DR. VIVIEN DORSEY, CHIEF MEDICAL OFFICER  
JEFFREY STIEVE, DR. RICKEY COLEMAN, ACTING CHIEF MEDICAL  
DIRECTOR, DR. KEITH PAPENDICK, JOHN DOE #1, MEDICAL  
DIRECTOR FOR UTILIZATION MANAGEMENT, RICHARD D.  
RUSSELL, MANAGER GRIEVANCE SECTION, STACEY REAM,  
ARF GRIEVANCE COORDINATOR, DR. JAMES BRESSMAN,  
CARMEN MCINTRY, sued in their individual capacities, and  
WARDEN SHERMAN CAMPBELL, MDOC DIRECTOR HEIDI E.  
WASHINGTON, CORIZON HEALTH CARE, INC.,  
JOHN DOE #2, JANE DOE #1, sued in their individual and official  
capacity,

Defendants.

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**DEFENDANT, MARY VELARDE, R.N.'S**  
**ANSWER TO COMPLAINT**  
**AFFIRMATIVE DEFENSES AND RELIANCE ON JURY DEMAND**

NOW COMES Defendant, MARY VELARDE, R.N, by her attorneys,  
COLLINS EINHORN FARRELL PC, and as her answer to Plaintiff's  
complaint, states as follows:

## JURISDICTION

- 1) Answering paragraph 1, defendant admits same.
- 2) Answering paragraph 2, defendant neither admits nor denies same for lack of sufficient information.

## PARTIES

- 3) Answering paragraph 3, defendant admits same.
- 4) Answering paragraph 4, defendant neither admits nor denies same for lack of sufficient information.
- 5) Answering paragraph 5, defendant neither admits nor denies same for lack of sufficient information.
- 6) Answering paragraph 6, defendant admits same.
- 7) Answering paragraph 7, defendant neither admits nor denies same for lack of sufficient information.
- 8) Answering paragraph 8, defendant neither admits nor denies same for lack of sufficient information.
- 9) Answering paragraph 9, defendant neither admits nor denies same for lack of sufficient information.
- 10) Answering paragraph 10, defendant neither admits nor denies same for lack of sufficient information.

11) Answering paragraph 11, defendant neither admits nor denies same for lack of sufficient information.

12) Answering paragraph 12, defendant neither admits nor denies same for lack of sufficient information.

13) Answering paragraph 13, defendant neither admits nor denies same for lack of sufficient information.

14) Answering paragraph 14, defendant neither admits nor denies same for lack of sufficient information.

15) Answering paragraph 15, defendant neither admits nor denies same for lack of sufficient information.

16) Answering paragraph 16, defendant neither admits nor denies same for lack of sufficient information.

17) Answering paragraph 17, defendant neither admits nor denies same for lack of sufficient information.

18) Answering paragraph 18, defendant neither admits nor denies same for lack of sufficient information.

19) Answering paragraph 19, defendant neither admits nor denies same for lack of sufficient information.

20) Answering paragraph 20, defendant neither admits nor denies same for lack of sufficient information.

21) Answering paragraph 21, defendant neither admits nor denies same for lack of sufficient information.

22) Answering paragraph 22, defendant neither admits nor denies same for lack of sufficient information.

23) Answering paragraph 23, defendant neither admits nor denies same for lack of sufficient information.

24) Answering paragraph 24, defendant admits that Corizon Health, Inc. is entity located in Brentwood Texas with an office in Lansing, Michigan. The remaining allegations in this paragraph are neither admitted nor denied for lack of sufficient information.

25) Answering paragraph 25, defendant neither admits nor denies same for lack of sufficient information.

#### FACTS

26) (25 SIC) Answering paragraph 26, defendant neither admits nor denies same for lack of sufficient information.

27) Answering paragraph 27, defendant neither admits nor denies same for lack of sufficient information.

28) Answering paragraph 28, defendant neither admits nor denies same for lack of sufficient information.

29) Answering paragraph 29, defendant neither admits nor denies same for lack of sufficient information.

30) Answering paragraph 30, defendant neither admits nor denies same for lack of sufficient information.

31) Answering paragraph 31, defendant neither admits nor denies same for lack of sufficient information.

32) Answering paragraph 32, defendant neither admits nor denies same for lack of sufficient information.

33) Answering paragraph 33, defendant neither admits nor denies same for lack of sufficient information.

34) Answering paragraph 34, defendant neither admits nor denies same for lack of sufficient information.

35) Answering paragraph 35, defendant neither admits nor denies same for lack of sufficient information.

36) Answering paragraph 36, defendant neither admits nor denies same for lack of sufficient information.

37) Answering paragraph 37, defendant neither admits nor denies same for lack of sufficient information.

38) Answering paragraph 38, defendant neither admits nor denies same for lack of sufficient information.

39) Answering paragraph 39, defendant neither admits nor denies same for lack of sufficient information.

40) Answering paragraph 40, defendant neither admits nor denies same for lack of sufficient information.

41) Answering paragraph 41, defendant neither admits nor denies same for lack of sufficient information.

42) Answering paragraph 42, defendant neither admits nor denies same for lack of sufficient information.

43) Answering paragraph 43, defendant neither admits nor denies same for lack of sufficient information.

44) Answering paragraph 44, defendant neither admits nor denies same for lack of sufficient information.

45) Answering paragraph 45, defendant neither admits nor denies same for lack of sufficient information.

46) Answering paragraph 46, defendant neither admits nor denies same for lack of sufficient information.

47) Answering paragraph 47, defendant neither admits nor denies same for lack of sufficient information.

48) Answering paragraph 48, defendant neither admits nor denies same for lack of sufficient information.

49) Answering paragraph 49, defendant neither admits nor denies same for lack of sufficient information.

50) Answering paragraph 50, defendant neither admits nor denies same for lack of sufficient information.

51) Answering paragraph 51, defendant neither admits nor denies same for lack of sufficient information.

52) Answering paragraph 52, defendant neither admits nor denies same for lack of sufficient information.

53) Answering paragraph 53, defendant neither admits nor denies same for lack of sufficient information.

54) Answering paragraph 54, defendant neither admits nor denies same for lack of sufficient information.

55) Answering paragraph 55, defendant neither admits nor denies same for lack of sufficient information.

56) Answering paragraph 56, defendant neither admits nor denies same for lack of sufficient information.

57) Answering paragraph 57, defendant neither admits nor denies same for lack of sufficient information.

58) Answering paragraph 58, defendant neither admits nor denies same for lack of sufficient information.

59) Answering paragraph 59, defendant neither admits nor denies same for lack of sufficient information.

60) Answering paragraph 60, defendant neither admits nor denies same for lack of sufficient information.

61) Answering paragraph 61, defendant neither admits nor denies the allegations in this paragraph for lack of sufficient information. To the extent that the allegations in this paragraph allege that this defendant exhibited deliberate indifference to plaintiff's medical needs, it is denied for the reason that it is untrue.

62) Answering paragraph 62, defendant neither admits nor denies same for lack of sufficient information.

63) Answering paragraph 63, defendant neither admits nor denies same for lack of sufficient information.

64) Answering paragraph 64, defendant neither admits nor denies same for lack of sufficient information.

65) Answering paragraph 65, defendant neither admits nor denies same for lack of sufficient information.

66) Answering paragraph 66, defendant neither admits nor denies same for lack of sufficient information.



67) Answering paragraph 67, defendant neither admits nor denies same for lack of sufficient information.

68) Answering paragraph 68, defendant neither admits nor denies same for lack of sufficient information.

69) Answering paragraph 69, defendant neither admits nor denies same for lack of sufficient information.

70) Answering paragraph 70, defendant neither admits nor denies same for lack of sufficient information.

71) Answering paragraph 71, defendant neither admits nor denies same for lack of sufficient information.

72) Answering paragraph 72, defendant neither admits nor denies same for lack of sufficient information.

73) Answering paragraph 73, defendant neither admits nor denies the allegations in this paragraph for lack of sufficient information. To the extent that the allegations in this paragraph allege that this defendant exhibited a deliberate indifference to plaintiff's medical needs it is denied for the reason that it is untrue.

74) Answering paragraph 74, defendant neither admits nor denies the allegations in this paragraph for lack of sufficient information. To the extent that the allegations in this paragraph allege that this defendant

exhibited a deliberate indifference to plaintiff's medical needs it is denied for the reason that it is untrue.

75) Answering paragraph 75, defendant neither admits nor denies same for lack of sufficient information.

76) Answering paragraph 76, defendant neither admits nor denies same for lack of sufficient information.

77) Answering paragraph 77, defendant neither admits nor denies same for lack of sufficient information.

78) Answering paragraph 78, defendant neither admits nor denies same for lack of sufficient information.

79) Answering paragraph 79, defendant neither admits nor denies same for lack of sufficient information.

80) Answering paragraph 80, defendant neither admits nor denies same for lack of sufficient information.

81) Answering paragraph 81, defendant neither admits nor denies same for lack of sufficient information.

82) Answering paragraph 82, defendant neither admits nor denies same for lack of sufficient information.

83) Answering paragraph 83, defendant neither admits nor denies same for lack of sufficient information.

84) Answering paragraph 84, defendant neither admits nor denies same for lack of sufficient information.

85) Answering paragraph 85, defendant neither admits nor denies same for lack of sufficient information.

86) Answering paragraph 86, defendant neither admits nor denies same for lack of sufficient information.

87) Answering paragraph 87, defendant neither admits nor denies same for lack of sufficient information.

88) Answering paragraph 88, defendant neither admits nor denies same for lack of sufficient information.

89) Answering paragraph 89, defendant neither admits nor denies same for lack of sufficient information.

90) Answering paragraph 90, defendant neither admits nor denies same for lack of sufficient information.

91) Answering paragraph 91, defendant neither admits nor denies same for lack of sufficient information.

92) Answering paragraph 92, defendant neither admits nor denies same for lack of sufficient information.

93) Answering paragraph 93, defendant neither admits nor denies same for lack of sufficient information.

94) Answering paragraph 94, defendant neither admits nor denies same for lack of sufficient information.

95) Answering paragraph 95, defendant neither admits nor denies same for lack of sufficient information.

96) Answering paragraph 96, defendant neither admits nor denies same for lack of sufficient information.

97) Answering paragraph 97, defendant neither admits nor denies same for lack of sufficient information.

98) Answering paragraph 98, defendant neither admits nor denies same for lack of sufficient information.

99) Answering paragraph 99, defendant neither admits nor denies same for lack of sufficient information.

100) Answering paragraph 100, defendant neither admits nor denies same for lack of sufficient information.

101) Answering paragraph 101, defendant neither admits nor denies same for lack of sufficient information.

102) Answering paragraph 102, defendant neither admits nor denies same for lack of sufficient information.

103) Answering paragraph 103, defendant neither admits nor denies same for lack of sufficient information.

104) Answering paragraph 104, defendant neither admits nor denies same for lack of sufficient information.

105) Answering paragraph 105, defendant neither admits nor denies same for lack of sufficient information.

106) Answering paragraph 106, defendant neither admits nor denies same for lack of sufficient information.

107) Answering paragraph 107, defendant neither admits nor denies same for lack of sufficient information.

108) Answering paragraph 108, defendant neither admits nor denies same for lack of sufficient information.

109) Answering paragraph 109, defendant neither admits nor denies same for lack of sufficient information.

110) Answering paragraph 110, defendant neither admits nor denies same for lack of sufficient information.

111) Answering paragraph 111, defendant neither admits nor denies same for lack of sufficient information.

112) Answering paragraph 112, defendant neither admits nor denies same for lack of sufficient information.

113) Answering paragraph 113, defendant neither admits nor denies same for lack of sufficient information.

114) Answering paragraph 114, defendant neither admits nor denies same for lack of sufficient information.

115) Answering paragraph 115, defendant neither admits nor denies same for lack of sufficient information.

116) Answering paragraph 116, defendant neither admits nor denies same for lack of sufficient information.

117) Answering paragraph 117, defendant neither admits nor denies same for lack of sufficient information.

118) Answering paragraph 118, defendant neither admits nor denies same for lack of sufficient information.

119) Answering paragraph 119, defendant neither admits nor denies same for lack of sufficient information.

120) Answering paragraph 120, defendant neither admits nor denies same for lack of sufficient information.

#### EXHAUSTION OF ADMINISTRATIVE REMEDIES

121) Answering paragraph 121, defendant denies this allegation for the reason that it is untrue.

#### CLAIMS FOR RELIEF NO. 1

122) Answering paragraph 122, defendant denies this allegation for the reason that it is untrue.

123) Answering paragraph 123, defendant neither admits nor denies same for lack of sufficient information.

124) Answering paragraph 124, defendant neither admits nor denies same for lack of sufficient information.

125) Answering paragraph 125, defendant neither admits nor denies same for lack of sufficient information.

126) Answering paragraph 126, defendant neither admits nor denies same for lack of sufficient information.

127) Answering paragraph 127, defendant neither admits nor denies same for lack of sufficient information.

128) Answering paragraph 128, defendant neither admits nor denies same for lack of sufficient information.

129) Answering paragraph 129, defendant neither admits nor denies same for lack of sufficient information.

130) Answering paragraph 130, defendant neither admits nor denies same for lack of sufficient information.

CLAIM FOR RELIEF NO. 2

131) Answering paragraph 131, defendant denies this allegation for the reason that it is untrue.

132) Answering paragraph 132, defendant neither admits nor denies same for lack of sufficient information.

133) Answering paragraph 133, defendant neither admits nor denies same for lack of sufficient information.

CLAIM FOR RELIEF NO. 3

134) Answering paragraph 134, defendant neither admits nor denies same for lack of sufficient information.

135) Answering paragraph 135, defendant neither admits nor denies same for lack of sufficient information.

136) Answering paragraph 136, defendant neither admits nor denies same for lack of sufficient information.

WHEREFORE, defendant respectfully requests that this Honorable Court enter an order dismissing plaintiff's complaint and awarding this defendant their reasonable costs and attorneys fees incurred in defending this baseless action.

COLLINS EINHORN FARRELL PC

BY: /s/ Richard A. Joslin  
RICHARD A. JOSLIN (P47510)  
LAURA M. McLANE (P77695)  
Attorney for Def. Mary Velarde, R.N.  
4000 Town Center - 9th Floor  
Southfield, MI 48075  
(248) 355-4141

Dated: January 6, 2023



**AFFIRMATIVE DEFENSES**

NOW COMES Defendant, MARY VELARDE, R.N, by her attorneys, COLLINS EINHORN FARRELL PC, and states that she will rely on and prove the following affirmative defenses:

1) Plaintiff's complaint fails to state a claim upon which relief can be granted as to this defendant.

2) Plaintiff herein has failed to exhaust his administrative remedies and as such, his complaint is barred as set forth at 42 USC §1997e.

3) Discovery may reveal that plaintiff's claims are barred in whole or in part by the applicable statute of limitations.

4) Defendant herein owed no duty to the plaintiff.

5) No patient-healthcare provider relationship was ever formed thus precluding prisoner's lawsuit.

6) Plaintiff's claims for mental or emotional injury are barred as set forth at 42 USC §1997e(e).

7) No action or inaction on the part of this defendant rises to the level of a constitutional violation thus requiring dismissal of the prisoner's complaint as to her.

8) Discovery may reveal that plaintiff's claims are barred in whole or in part by his own comparative negligence.

9) Discovery may reveal that plaintiff's claims are barred in whole or in part by his failure to mitigate damages.

10) Plaintiff's claims as to this defendant are barred by the doctrine of governmental immunity.

11) Defendant hereby reserves the right to amend and supplement these affirmative defenses as discovery continues.

COLLINS EINHORN FARRELL PC

BY: /s/ Richard A. Joslin  
RICHARD A. JOSLIN (P47510)  
LAURA M. McLANE (P77695)  
Attorney for Def. Mary Velarde, R.N.  
4000 Town Center - 9th Floor  
Southfield, MI 48075  
(248) 355-4141  
[Richard.joslin@ceflawyers.com](mailto:Richard.joslin@ceflawyers.com)

Dated: January 6, 2023

**CERTIFICATE OF SERVICE**

*Tammie DeJaeghere*, being first duly sworn, deposes and says that on January 6, 2023, she served the foregoing upon counsel of record listed on the above-referenced caption via

/s/ Tammie DeJaeghere  
TAMMIE DEJAEGERE